

AMENDMENT UNDER 37 C.F.R. §1.111  
Application Number: 09/674,620

Our Ref: Q60962  
Art Unit: 2621

**AMENDMENTS TO THE DRAWINGS**

Applicants are submitting herewith 3 (three) sheets of replacement drawings which include Figures 1, 2 and 12. The submitted replacement sheets are intended to replace Figures 1, 2, and 12 originally submitted on November 3, 2000.

Attachment: Replacement Sheet(s)

**REMARKS**

**Foreign Priority:**

Applicant thanks the Examiner for acknowledging the claim to foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority documents have been received.

**Drawings:**

The Examiner has objected to Figures 1, 2 and 12 for a number of informalities. Applicant submits herewith replacement drawings for Figures 1, 2 and 12.

Applicant hereby requests the Examiner reconsider and withdraw the above rejection of the Figures.

**Specification:**

As indicated by the Examiner, Applicant has amended the specification, as shown in the previous section. Applicant hereby requests the Examiner reconsider and withdraw the objection to the specification.

**Claim Objections:**

The Examiner has also objected to claims 1, 13 and 14 under 37 C.F.R. § 1.759a) as being unclear. Specifically, the Examiner has indicated that there is no antecedent basis for the claimed "each of said differences."

Applicant has amended each of the above claims, as shown in the previous section and hereby requests the Examiner reconsider and withdraw the above objection to the claims.

**Claim Rejections:**

Claims 1-14 are all of the claims pending in the present application, and currently all of these claims stand rejected.

***35 U.S.C. § 101 Rejection – Claim 14:***

claim 14 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner has indicated that the claimed “medium” is not a “computer readable medium.” Accordingly, Applicant has amended this claim as shown in the previous section. Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 101 rejection of this claim.

***35 U.S.C. § 102(b) Rejection – Claims 1-9:***

Claims 1-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 4,783,840 to Song. In view of the following discussion, Applicant respectfully traverses the above rejection.

As shown in the present claims, the present invention contains a picture element characteristic determining unit which utilizes, for determination of the characteristic of each object picture element, the positive or negative polarization of the distribution. Applicant submits that this is not disclosed in Song.

Specifically, in Song, the method for determining the characteristic of a picture element only employs the absolute value of any differences. Applicant submits that this is different from the claimed invention, which uses the positive/negative values to aid in the determination.

As recognized by the Examiner (page 8), Song discloses that some pixel values will be larger or smaller than the center pixel value (col. 7, lines 64-66). However, the Examiner did not indicate that Song also discloses using the “absolute value” of these differences. Col. 8, lines 1-5. This distinction is such that Song fails to disclose each and every feature of the claimed invention. Namely, Applicant submits that employing the absolute value of a difference is distinct from employing the positive/negative value of a difference.

In view of the foregoing, Applicant submits that Song fails to disclose each and every feature of the claimed invention, as set forth in the rejected claims. Therefore, Applicant submits that song fails to anticipate the claimed invention, as required under 35 U.S.C. § 102(b). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 102(b) rejection of the claims.

***35 U.S.C. § 102(e) Rejection – Claims 1, 11-14:***

Claims 1 and 11-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,392,759 to Kuwata et al. In view of the following discussion, Applicant respectfully traverses the above rejection.

As an initial matter, Applicant notes that the limitation of original claim 3 has been added to claims 1, 13 and 14, as shown in the previous section.

As the Examiner has admitted that Kuwata fails to disclose the limitation of claim 3 (by failing to reject claim 3 under this rejection), Applicant submits that claims 1 and 11-14 are allowable over Kuwata. Namely, Applicant submits that Kuwata fails to disclose the present invention for the similar reasons as those set forth above.

Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 102(e) rejection of claims 1 and 11-14, as Kuwata fails to disclose each and every feature of the claimed invention.

***35 U.S.C. § 103(a) Rejection – Claim 10:***

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Song in view of Kuwata. However, as claim 10 depends on claim 1, and because Kuwata fails to cure the deficiencies of claim 1, Applicant submits that this claim is patentable, at least by reason of its dependence.

**Conclusion:**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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CUSTOMER NUMBER

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